



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

July 27, 2012

William W. Stelle, Jr., Regional Administrator
NMFS Northwest Region
National Oceanic and Atmospheric Administration
7600 Sandpoint Way NE
Seattle, Washington 98115

Re: EPA comments on the Draft Environmental Impact Statement for the Proposed Harvest Specifications and Management Measures for the 2013-2014 Pacific Coast Groundfish Fishery and Amendment 21-2 to the Pacific Coast Groundfish Fishery Management Plan, EPA Project #12-0029-NOA.

Dear Mr. Stelle:

Thank you for the opportunity to review the Draft Environmental Impact Statement for the Proposed Harvest Specifications and Management Measures for the 2013-2014 Pacific Coast Groundfish Fishery and Amendment 21-2 to the Pacific Coast Groundfish Fishery Management Plan (CEQ # 20120190). We have reviewed the EIS in accordance with our responsibilities under National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions as well as the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

We understand that the purpose of this action is to set the 2013-2014 season biennial limits for 40 management unit species, including seven overfished species, as well as reinstate a provision inadvertently deleted in a previous Fishery Management Plan amendment. In addition to the No Action alternative, the EIS evaluates 8 "integrated" action alternatives. The EIS states that the Pacific Fishery Management Council has identified Alternative 1 as its preferred alternative, noting that the Council may identify additional changes to the this alternative at the June 2012 Council meeting.

We have assigned a rating of EC-2 (Environmental Concerns-Insufficient Information) to this EIS. A description of our rating system is enclosed (Enclosure 1). We recognize the need to balance the economic needs of the communities with the continued harvest, even unintentional, of the overfished species. However, we are concerned that all alternatives include harvest levels that will extend the length of time it will take to reach rebuilding targets for both Pacific Ocean Perch and Canary Rockfish. We also have concerns related to the identified adverse impacts to non-target species, such as leatherback turtles.

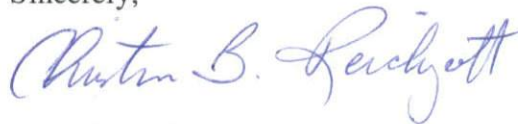
The EIS does not include an alternative that considers annual catch limits for both species that are lower than the current conditions (No Action). We recommend that the National Marine Fisheries Service consider such an alternative. If deemed not reasonable, or unable to meet the community considerations required by the Magnuson-Stevens Fishery Conservation and Management Act, we recommend that a

discussion of this conclusion be included in the Final EIS. We believe such an alternative may decrease the time needed to rebuild both species as well as minimize impacts to non-target species.

We commend the National Marine Fisheries Service and Council for the inclusion and evaluation of new accountability measures that are intended to improve the performance of the management program, as well as the extensive environmental justice analysis included in the EIS. We believe both will strengthen implementation of the management plan and support the requirements of the Magnuson-Stevens Act.

Again, we appreciate the opportunity to offer comments on the Draft EIS. Please contact me at (206) 553-1601 or by email reichgott.christine@epa.gov, or you may contact Jennifer Curtis of my staff in Anchorage at (907) 271-6324 or by email at curtis.jennifer@epa.gov with any questions you have regarding our comments.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediments Management Unit

Enclosure

ENCLOSURE 1
U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.